EXECUTIVE DOCUMENTS.

No. 2.

CORRESPONDENCE

AND OTHER

PAPERS,

RELATING TO

FORT SUMTER.

INCLUDING CORRESPONDENCE OF

HON. ISAAC W. HAYNE WITH THE PRESIDENT.

SECOND EDITION.

CHARLESTON:
STEAM-POWER PRESSES OF EVANS & COGSWELL,
No. 3 Broad and 103 East Bay Street
1861.

Digitized by the Internet Archive
in 2010 with funding from
Duke University Libraries

http://www.archive.org/details/correspondenceot01sout

EXECUTIVE DOCUMENTS.

No. 2.

CORRESPONDENCE

AND OTHER

PAPERS,

RELATING TO

FORT SUMTER.

INCLUDING CORRESPONDENCE OF

HON. ISAAC W. HAYNE WITH THE PRESIDENT.

SECOND EDITION.

CHARLESTON:
STEAM-POWER PRESSES OF EVANS & COGSWELL.
No. 3 Broad and 103 East Bay Street.
1861.

THE FLOWERS COLLECTION

Cm-
Bm-
3542

CORRESPONDENCE.

No. 1.

[MAJOR ANDERSON TO THE GOVERNOR.]

To His Excellency, the Governor of South Carolina:

SIR: Two of your batteries fired this morning upon an unarmed vessel bearing the flag of my Government. As I have not been notified that war has been declared by South Carolina against the Government of the United States, I cannot but think that this hostile act was committed without your sanction or authority. Under that hope, and that alone, did I refrain from opening fire upon your batteries.

I have the honor, therefore, respectfully to ask whether the above-mentioned act—one I believe without a parallel in the history of our country, or of any other civilized Government—was committed in obedience to your instructions, and to notify you if it be not disclaimed, that I must regard it as an act of war, and that I shall not, after a reasonable time for the return of my messenger, permit any vessels to pass within range of the guns of my Fort.

In order to save as far as in my power the shedding of blood, I beg that you will have due notification of this my decision given to all concerned.

Hoping, however, that your answer may be such as will justify a further continuance of forbearance on my part, I have the honor to be,

Very respectfully,
Your obedient servant,
ROBERT ANDERSON,
Major 1st Artillery U. S. A., Commanding.

FORT SUMTER, *S. C., January* 9, 1861.

No. 2.

[THE GOVERNOR TO MAJOR ANDERSON.]

STATE OF SOUTH CAROLINA.
EXECUTIVE OFFICE, HEAD QUARTERS,
Charleston, 9 *January*, 1861.

SIR: Your letter has been received. In it you make certain statements which very plainly show that you have not been fully informed by your Government, of the precise relations which now exist between it and the State of South Carolina. Official information has been communicated to the Government of the United States that the political connection, heretofore existing between the State of South Carolina and the States which were known as the United States, had ceased; and that the State of South Carolina had resumed all the power it had delegated to the United States under the compact known as the Constitution of the United States. The right which the State of South Carolina possessed to change the political relations it held with other States, under the Constitution of the United States, has been solemnly asserted by the people of this State, in Convention, and now does not admit of discussion.

In anticipation of the Ordinance of Secession, of which the President of the United States had received official notification, it was understood by him, that sending any reinforcements of the troops of the United States in the harbor of Charleston, would be regarded by the constituted authorities of the State of South Carolina as an act of hostility; and at the same time it was understood by him, that any change in the occupation of the forts in the harbor of Charleston would, in like manner, be regarded as an act of hostility. Either or both of these events occurring during the period in which the State of South Carolina constituted a part of the United States, was then distinctly notified to the President of the United States as an act or acts of hostility; because either or both would be regarded and could only be intended to dispute the right of the State of South Carolina to that political Independence which she has always asserted and will always maintain.

Whatever would have been during the continuance of this State, while a member of the United States, an act of hostility;

became much more so, when the State of South Carolina had dissolved its connection with the Government of the United States.

After the secession of the State of South Carolina, Fort Sumter continued in the possession of troops of the United States. How that fort is at this time in the possession of the troops of the United States, is not now necessary to discuss. It will suffice to say that the occupancy of that fort has been regarded by the State of South Carolina as the first act of positive hostility committed by the troops of the United States within the limits of this State; and was in this light regarded as so unequivocal, that it occasioned the termination of the negotiations, then pending at Washington; between the Commissioners of the State of South Carolina and the President of the United States.

The attempt to reinforce the troops now at Fort Sumter, or to retake and resume possession of the forts within the waters of this State, which you have abandoned, after spiking the guns placed there, and doing otherwise much damage, cannot be regarded by the authorities of this State as indicative of any other purpose than the coercion of the State by the armed force of the Government. To repel such an attempt is too plainly its duty, to allow it to be discussed. But, while defending its waters, the authorities of the State have been careful so to conduct the affairs of the State that no act, however necessary for its defence, should lead to an useless waste of life. Special agents, therefore, have been off the bar, to warn all approaching vessels, if armed; or unarmed and having troops to reinforce the forts on board; not to enter the harbor of Charleston; and special orders have been given to the commanders of all the forts and batteries, not to fire at such vessels, until a shot fired across their bows would warn them of the prohibition of the State.

Under these circumstances, the Star of the West, it is understood, this morning attempted to enter this harbor, with troops on board; and having been notified that she could not enter, was fired into. The act is perfectly justified by me.

In regard to your threat in regard to vessels in the harbor, it is only necessary to say, that you must judge of your responsibilities. Your position in this harbor has been tolerated by the authorities of the State. And while the act of which you com-

plain is in perfect consistency with the rights and duties of the State, it is not perceived how far the conduct which you propose to adopt, can find a parallel in the history of any country; or be reconciled with any other purpose of your Government, than that of imposing upon this State the condition of a conquered province.

F. W. PICKENS.

To Major ROBERT ANDERSON,
Commanding Fort Sumter.

No 3.

[MAJOR ANDERSON TO THE GOVERNOR.]

HEAD QUARTERS, FORT SUMTER, S. C.,
January 9, 1861.

To his Excellency, F. W. PICKENS,
Governor of the State of South Carolina:

SIR: I have the honor to acknowledge the receipt of your communication of to-day, and to say that, under the circumstances, I have deemed it proper to refer the whole matter to my Government; and that I intend deferring the course indicated in my note of this morning until the arrival from Washington of the instructions I may receive. I have the honor also to express a hope that no obstructions will be placed in the way of, and that you will do me the favor to afford every facility to, the departure and return of the bearer, Lieut. T. Talbot, U. S. Army, who has been directed to make the journey.

I have the honor to be,
Very respectfully,
ROBERT ANDERSON,
Major U. S. Army, Commanding.

No. 4.

[THE GOVERNOR TO MAJOR ANDERSON.]

STATE OF SOUTH CAROLINA,
EXECUTIVE OFFICE, CHARLESTON,
11*th January*, 1861.

To Major ROBERT ANDERSON,
Commanding Fort Sumter:

SIR: I have thought proper, under all the circumstances of the peculiar state of public affairs in the country at present, to appoint the Hon. A. G. Magrath and Gen. D. F. Jamieson, both members of the Executive Council, and of the highest position in the State, to present to you considerations of the gravest public character; and of the deepest interest to all who deprecate the improper waste of life; to induce the delivery of Fort Sumter to the constituted authorities of the State of South Carolina, with a pledge, on its part, to account for such public property as is under your charge.

Your obedient servant,

F. W. PICKENS.

No. 5.

[MAJOR ANDERSON TO THE GOVERNOR.]

HEAD QUARTERS, FORT SUMTER, S. C.,
January 11. 1861.

To His Excellency, F. W. PICKENS,
Governor of South Carolina:

SIR: I have the honor to acknowledge the receipt of your demand for the surrender of this fort to the authorities of South Carolina, and to say, in reply, that the demand is one with which I cannot comply. Your Excellency knows that I have recently sent a messenger to Washington, and that it will be impossible for me to receive an answer to my dispatches, forwarded by him, at an earlier date than next Monday. What the character of my instructions may be, I cannot foresee.

Should your Excellency deem fit, prior to a resort to arms,

to refer this matter to Washington, it would afford me the sincerest pleasure to depute one of my officers to accompany any messenger you may deem proper to be the bearer of your demand.

Hoping to God that in this, and all other matters in which the honor, welfare and lives of our fellow countrymen are concerned, we shall so act as to meet His approval; and, deeply regretting that you have made a demand of me with which I cannot comply,

I have the honor to be,

With the highest regard,

Your obedient servant,

ROBERT ANDERSON,

Major U. S. Army, Commanding.

No. 6.

[THE GOVERNOR TO THE PRESIDENT OF THE UNITED STATES.]

STATE OF SOUTH CAROLINA,
EXECUTIVE OFFICE, HEAD QUARTERS,
Charleston, January 11, 1861.

SIR: At the time of the separation of the State of South Carolina from the United States, Fort Sumter was, and still is, in the possession of troops of the United States, under the command of Major Anderson. I regard that possession as not consistent with the dignity or safety of the State of South Carolina; and I have this day addressed to Major Anderson a communication to obtain from him the possession of that fort, by the authorities of this State. The reply of Major Anderson informs me that he has no authority to do what I required but he desires a reference of the demand to the President of the United States.

Under the circumstances now existing, and which need no comment by me, I have determined to send to you the Hon. I. W. Hayne, the Attorney General of the State of South Carolina, and have instructed him to demand the delivery of Fort Sumter, in the harbor of Charleston, to the constituted authorities of the State of South Carolina.

The demand I have made of Major Anderson, and which I now make of you, is suggested because of my earnest desire to avoid the bloodshed which a persistence in your attempt to retain the possession of that Fort will cause; and which will be unavailing to secure you that possession, but induce a calamity most deeply to be deplored.

If consequences so unhappy shall ensue, I will secure for this State, in the demand which I now make, the satisfaction of having exhausted every attempt to avoid it.

In relation to the public property of the United States within Fort Sumter, the Hon. I. W. Hayne, who will hand you this communication, is authorized to give you the pledge of the State that the valuation of such property will be accounted for, by this State, upon the adjustment of its relations with the United States, of which it was a part.

F. W. PICKENS.

To the PRESIDENT
of the United States.

No. 7.

[INSTRUCTIONS FROM THE STATE DEPARTMENT OF THE EXECUTIVE OFFICE TO HON. I. W. HAYNE.]

STATE OF SOUTH CAROLINA,
EXECUTIVE OFFICE, STATE DEPARTMENT.
Charleston, January 12, 1861.

SIR: The Governor has considered it proper, in view of the grave questions which now affect the State of South Carolina and the United States, to make a demand upon the President of the United States, for the delivery to the State of South Carolina of Fort Sumter, now within the territorial limits of this State, and occupied by troops of the United States.

The Convention of the People of South Carolina authorized and empowered its Commissioners to enter into negotiations with the Government of the United States, for the delivery of forts, magazines, light houses, and other real estate within the limits of South Carolina.

The circumstances which caused the interruption of that

negotiation are known to you: with the formal notification of its cessation, was the urgent expression of the necessity for the withdrawal of the troops of the United States from the harbor of Charleston.

The interruption of these negotiations left all matters connected with Fort Sumter and troops of the United States within the limits of this State, affected by the fact; that the continued possession of the Fort was not consistent with the dignity or safety of the State; and that an attempt to reinforce the troops at that fort would not be allowed. This, therefore, became a state of hostility; in consequence of which the State of South Carolina was placed in a condition of defence. During the preparation for this purpose, an attempt was made to reinforce Fort Sumter, and repelled.

You are now instructed to proceed to Washington, and there, in the name of the Government of the State of South Carolina, enquire of the President of the United States, whether it was by his order that troops of the United States were sent into the harbor of Charleston to reinforce Fort Sumter; if he avows that order, you will then enquire, whether he asserts a right to introduce troops of the United States within the limits of this State, to occupy Fort Sumter: and you will, in case of his avowal, inform him that neither will be permitted; and either will be regarded as his declaration of war against the State of South Carolina.

The Governor, to save life, and determined to omit no course of proceeding usual among civilized nations, previous to that condition of general hostilities which belongs to war; and not knowing under what order, or by what authority, Fort Sumter is now held; demanded from Major Robert Anderson, now in command of that fort, its delivery to the State. That officer, in his reply, has referred the Governor to the Government of the United States at Washington. You will, therefore, demand from the President of the United States the withdrawal of the troops of the United States from that fort, and its delivery to the State of South Carolina.

You are instructed not to allow any question of property claimed by the United States to embarrass the assertion of the political right of the State of South Carolina to the possession of Fort Sumter. The possession of that fort by the State is alone consistent with the dignity and safety of the State of South

Carolina: but such possession is not inconsistent with a right to compensation in money in another Government, if it has against the State of South Carolina any just claim connected with that fort. But the possession of the fort cannot, in regard to the State of South Carolina, be compensated by any consideration of any kind from the Government of the United States, when the possession of it by the Government is invasive of the dignity and affects the safety of the State. That possession cannot become now a matter of discussion or negotiation. You will, therefore, require from the President of the United States a positive and distinct answer to your demand for the delivery of the fort. And you are further authorized, to give the pledge of the State to adjust all matters which may be, and are in their nature, susceptible of valuation in money; in the manner most usual, and upon the principles of equity and justice always recognized by independent nations, for the ascertainment of their relative rights and obligations in such matters.

You are further instructed to say to the President of the United States, that the Governor regards the attempt of the President of the United States, if avowed, to continue the possession of Fort Sumter; as inevitably leading to a bloody issue, a question which, in the judgment of the Governor, can have but one conclusion; reconcilable with a due regard to the State of South Carolina, the welfare of the other States which now constitute the United States, and that humanity which teaches all men, but particularly those, who in authority control the lives of others; to regard a resort to arms, as the last which should be considered. To shed their blood in defence of their rights is a duty, which the citizens of the State of South Carolina fully recognize. And in such a cause, the Governor, while deploring the stern necessity which may compel him to call for the sacrifice; will feel that his obligation to preserve inviolate the sacred rights of the State of South Carolina, justify the sacrifice necessary to secure that end. The Governor does not desire to remind the President of the responsibilities which are upon him.

Respectfully, your obedient servant,

A. G. MAGRATH.

To Hon. I. W. Hayne,

Special Envoy from the State of South Carolina to the President of the United States.

No. 8.

[LETTER OF SENATORS OF SECEDING STATES TO HON. I. W. HAYNE.]

WASHINGTON CITY, *January* 15*th*, 1861.

Hon. ISAAC W. HAYNE:

SIR: We are apprised that you visit Washington, as an Envoy from the State of South Carolina, bearing a communication from the Governor of your State to the President of the United States, in relation to Fort Sumter. Without knowing its contents, we venture to request you to defer its delivery to the President for a few days, or until you and he have considered the suggestions which we beg leave to submit.

We know that the possession of Fort Sumter by troops of the United States, coupled with the circumstances under which it was taken, is the chief, if not only, source of difficulty between the Government of South Carolina and that of the United States. We would add, that we, too, think it a just cause of irritation and of apprehension on the part of your State. But we have also assurances, notwithstanding the circumstances under which Major Anderson left Fort Moultrie and entered Fort Sumter with the forces under his command; that it was not taken, and is not held, with any hostile or unfriendly purpose towards your State; but merely as property of the United States, which the President deems it his duty to protect and preserve.

We will not discuss the question of right or duty on the part of either Government touching that property, or the late acts of either in relation thereto; but we think that, without any compromise of right or breach of duty on either side, an amicable adjustment of the matter of differences may and should be adopted. We desire to see such an adjustment, and to prevent war or the shedding of blood. We represent States which have already seceded from the United States, or will have done so before the first of February next, and which will meet your State in Convention on or before the fifteenth of that month. Our people feel that they have a common destiny with your people, and expect to form with them, in that Convention, a new Confederation and Provisional Government. We must and will share your fortunes, suffering with you the evils of

war, if it cannot be avoided; and enjoying with you the blessings of peace, if it can be preserved. We, therefore, think it especially due from South Carolina to our States—to say nothing of other slaveholding States—that she should, as far as she can, consistently with her honor, avoid initiating hostilities between her and the United States or any other Power. We have the public declaration of the President, that he has not the constitutional power or the will to make war on South Carolina, and that the public peace shall not be disturbed by any act of hostility towards your State.

We, therefore, see no reason why there may not be a settlement of existing difficulties, if time be given for calm and deliberate counsel with those States which are equally involved with South Carolina. We, therefore, trust that an arrangement will be agreed on between you and the President, at least till the fifteenth February next; by which time your and our States may, in Convention, devise a wise, just and peaceable solution of existing difficulties.

In the meantime, we think your State should suffer Major Anderson to obtain necessary supplies of food, fuel or water, and enjoy free communication, by post or special messenger, with the President; upon the understanding that the President will not send him reinforcements during the same period. We propose to submit this proposition and your answer to the President.

If not clothed with power to make such arrangement, then we trust that you will submit our suggestions to the Governor of your State for his instructions. Until you have received and communicated his response to the President, of course your State will not attack Fort Sumter, and the President will not offer to reinforce it.

We most respectfully submit these propositions, in the earnest hope that you, or the proper authority of your State, may accede to them.

We have the honor to be,
With profound esteem,
Your obedient servants,

Louis T. Wigfall,
John Hemphill,
D. L. Yulee,
S. R. Mallory,
Jefferson Davis,
C. C. Clay, Jr.
Benjamin Fitzpatrick,
A. Iverson,
John Slidell,
I. P. Benjamin.

No. 9.

[LETTER OF HON. I. W. HAYNE IN REPLY TO SENATORS FROM SECEDING STATES.]

WASHINGTON, *January*, 1861.

GENTLEMEN: I have just received your communication, dated the 15th instant. You represent, you say, States which have already seceded from the United States, or *will have* done so before the 1st of February next, and which will meet South Carolina in Convention, on or before the 15th of that month: that your people feel they have a common destiny with our people, and expect to form with them in that Convention a new Confederacy and Provisional Government: that you must, and *will* share our fortunes, suffering with us the evils of war, if it cannot be avoided, and enjoying with us the blessings of peace, if it *can* be preserved.

I feel, gentlemen, the force of this appeal, and, so far as my authority extends, most cheerfully comply with your request.

I am *not* clothed with power to make the arrangements you suggest, but provided you can get assurances, with which you are entirely satisfied, that *no* reinforcements will be sent to Fort Sumter in the interval, and that public peace shall *not* be disturbed by any act of hostility towards South Carolina, I will refer your communication to the authorities of South Carolina, and withholding their communication, with which I am at present charged, will await for their instructions.

Major Anderson, and his command, let me assure you, *do* now obtain all necessary supplies of food, (including fresh meat and vegetables,) and, I believe, fuel and water; and *do* now enjoy free communication by post, and special messengers with the President, and will continue to do so, certainly, until the door of negotiation shall be closed.

If your proposition is acceded to, you may assure the President that *no* attack will be made on Fort Sumter, until a response from the Governor of South Carolina has been received by me, and communicated to him.

With great consideration and profound esteem,

Your obedient servant,

ISAAC W. HAYNE,

Envoy from the Governor and Council of South Carolina.

No. 10.

[LETTER OF SENATORS OF SECEDING STATES TO THE PRESIDENT.]

SENATE CHAMBER,
January 11, 1861.

SIR: We have been requested to present to you copies of a correspondence between certain Senators of the United States and Col Isaac W. Hayne, now in this city, in behalf of the Government of South Carolina; and to ask that you will take into consideration the subject of said correspondence.

Very respectfully,
Your obedient servants,

BEN. FITZPATRICK.
S. R. MALLORY.
JOHN SLIDELL.

To His Excellency, JAMES BUCHANAN,
President United States.

No. 11.

[LETTER OF THE PRESIDENT, THROUGH THE HON. J. HOLT, SECRETARY OF WAR, AD INTERIM, TO THE SENATORS OF THE SECEDING STATES.]

WAR DEPARTMENT,
January 22, 1861.

To the Hon. BENJAMIN FITZPATRICK, S. R. MALLORY, and JOHN SLIDELL:

GENTLEMEN: The President has received your communication of the 19th instant, with the copy of a correspondence between yourselves and others, "representing States which have already seceded from the United States, or will have done so before the 1st of February next," and Col. Isaac W. Hayne, of South Carolina, in behalf of the Government of that State, in relation to Fort Sumter; and you ask the President to "take into consideration the subject of that correspondence." With this request he has complied, and has directed me to communicate his answer.

In your letter to Col. Hayne, of the 15th inst., you propose

to him to defer the delivery of a message from the Governor of South Carolina to the President, with which he has been entrusted, for a few days, or until the President and Col. Hayne shall have considered the suggestions which you submit. It is unnecessary to refer specially to these suggestions, because the letter addressed to you by Col. Hayne, of the 17th instant, presents a clear and specific answer to them. In this he says: "I am not clothed with power to make the arrangement you suggest; but provided you can get assurances, with which you are entirely satisfied, that no reinforcements will be sent to Fort Sumter, in the interval, and that the public peace will not be disturbed by any act of hostility towards South Carolina, I will refer your communication to the authorities of South Carolina, and, withholding the communication with which I am at present charged, will await further instructions."

From the beginning of the present unhappy troubles, the President has endeavored to perform his executive duties in such a manner as to preserve the peace of the country, and to prevent bloodshed. This is still his fixed purpose. You, therefore, do him no more than justice in stating that you have assurances, (from his public messages, I presume,) that, "notwithstanding the circumstances under which Major Anderson left Fort Moultrie, and entered Fort Sumter with the forces under his command, it was not taken, and is not held with any hostile or unfriendly purpose towards your State, but merely as property of the United States, which the President deems it his duty to protect and preserve," you have correctly stated what the President deems to be his duty. His sole object now is, and has been, to act strictly on the defensive, and to authorize no movement against the people of South Carolina, unless clearly justified by a hostile movement on their part. He could not have given a better proof of his desire to prevent the effusion of blood, than by forbearing to resort to the use of force, under the strong provocation of an attack, (happily without a fatal result,) on an unarmed vessel bearing the flag of the United States.

I am happy to observe that, in your letter to Col. Hayne, you express the opinion, that it is "especially due from South Carolina to our States, to say nothing of other slaveholding States, that she should, as far as she can consistently with her honor, avoid initiating hostilities between her and the United States,

or any other power." To initiate such hostilities against Fort Sumter, would, beyond question, be an act of war against the United States.

In regard to the proposition of Col. Hayne, "that no reinforcements will be sent to Fort Sumter, in the interval, and that the public peace will not be disturbed by any act of hostility towards South Carolina," it is impossible for me to give you any such assurances. The President has no authority to enter into such an agreement or understanding. As an executive officer, he is simply bound to protect the public property, so far as this may be practicable; and it would be a manifest violation of his duty to place himself under engagements that he would not perform this duty either for an indefinite or a limited period. At the present moment, it is not deemed necessary to reinforce Major Anderson, because he makes no such request, and feels quite secure in his position. Should his safety, however, require reinforcements, every effort will be made to supply them.

In regard to an assurance from the President, "that the public peace will not be disturbed by any act of hostility towards South Carolina," the answer will readily occur to yourselves. To Congress, and to Congress alone, belongs the power to make war, and it would be an act of usurpation for the Executive to give any assurance that Congress would not exercise this power, however strongly he may be convinced that no such intention exists.

I am glad to be assured, from the letter of Col. Hayne, that "Major Anderson and his command do *now* obtain all necessary supplies, including fresh meat and vegetables, and, I believe, fuel and water, from the City of Charleston, and do *now* enjoy communication, by post and special messenger, with the President, and will continue to do so, certainly until the door to negotiation has been closed." I trust that these facilities may still be afforded to Major Anderson. This is as it should be. Major Anderson is not menacing Charleston; and I am convinced that the happiest result which can be attained is, that both he and the authorities of South Carolina shall remain on their present amicable footing, neither party being bound by any obligations whatever, except the high Christian and moral

duty to keep the peace, and to avoid all causes of mutual irritation.

Very respectfully, your obedient servant,

J. HOLT,

Secretary of War, ad interim.

No. 12.

[LETTER OF SENATORS OF SECEDING STATES TO HON. I. W. HAYNE.]

WASHINGTON, 23 *January*, 1861.

HON. ISAAC W. HAYNE.

SIR: In answer to your letter of the 17th inst., we have now to inform you that, after communicating with the President, we have received a letter signed by the Secretary of War, and addressed to Messrs. Fitzpatrick, Mallory and Slidell, on the subject of our proposition, which letter we now enclose to you. Although its terms are not as satisfactory as we could have desired, in relation to the ulterior purposes of the Executive, we have no hesitation in expressing our entire confidence that no reinforcements will be sent to Fort Sumter, nor will the public peace be disturbed within the period requisite for full communication between yourself and your Government; and we trust, therefore, that you will feel justified in applying for further instructions before delivering to the President any message with which you may have been charged.

We take this occasion to renew the expression of an earnest hope that South Carolina will not deem it incompatible with her safety, dignity or honor, to refrain from initiating any hostilities against any Power whatsoever; or from taking any steps tending to produce collision, until our States, which are to share her fortunes, shall have an opportunity of joining their counsels with hers.

We are, with great respect,

Your obedient servants,

LOUIS T. WIGFALL,
D. L. YULEE.
I. P. BENJAMIN,
A. IVERSON,
JOHN HEMPHILL,
JOHN SLIDELL,
C. C. CLAY, JR.

P. S. Some of the signatures to the former letter addressed to you are not affixed to the foregoing communication, in consequence of the departure of several Senators, now on their way to their respective States.

No. 13.

[LETTER OF HON. I. W. HAYNE TO SENATORS OF SECEDING STATES.]

To the Honorable Louis T. Wigfall, D. L. Yulee, J. P. Benjamin, A. Iverson, John Hemphill, John Slidell, and C. C. Clay, Jr.

Gentlemen: I have received your letter of the 23d inst., enclosing a communication dated the 22d inst., addressed to Messrs. Fitzpatrick, Mallory and Slidell, from the Secretary of War, *ad interim*. This communication from the Secretary is far from being satisfactory to me. But, inasmuch as you state that "we (you) have no hesitation in expressing an entire confidence that no reinforcement will be sent to Fort Sumter, nor will the public peace be disturbed within the period requisite for full communication between yourself (myself) and your (my) Government," in compliance with our previous understanding. I withhold the communication with which I am at present charged, and refer the whole matter to the authorities of South Carolina, and will await their reply.

Mr. Gourdin of South Carolina, now in this city, will leave here by the evening's train, and will lay before the Governor of South Carolina and his Council, the whole correspondence between yourselves and myself, and between you and the Government of the United States; with a communication from me, asking further instructions.

I cannot, in closing, but express my deep regret that the President should deem it necessary to keep a garrison of troops at Fort Sumter for the protection of the "*property*" of the United States. South Carolina scorns the idea of appropriating to herself the *property* of another, whether of a Government or an

individual, without accounting, to the last dollar, for everything which, for the protection of her citizens, and in vindication of her own honor and dignity, she may deem it necessary to take into her own possession. As *property*, Fort Sumter is in far greater jeopardy occupied by a garrison of United States troops, than it would be if delivered over to the State authorities, with the pledge that, in regard to that and all other property claimed by the United States within the jurisdiction of South Carolina, they would fully account, upon a fair adjustment.

Upon the other point of the preservation of the peace, and the avoidance of bloodshed: Is it supposed that the occupation of a fort in the midst of a harbor, with guns bearing upon every position of it, by a Government no longor acknowledged, can be other than the occasion of constant irritation, excitement and indignation? It creates a condition of things which I fear is but little calculated to advance the observance of the "high Christian and moral duty to keep the peace, and to avoid all causes of mutual irritation," recommended by the Secretary of War in his communication.

In my judgment, to continue to hold Fort Sumter by United States troops, is the worst possible means of protecting it as property; and the worst possible means for effecting a peaceful solution of present difficulties.

I beg leave, in conclusion, to say that it is in deference to the unanimous opinion expressed by the Senators present in Washington, "representing States which have already seceded from the United States, or will have done so before the 1st of February next," that I comply with your suggestions. And I feel assured that suggestions from such a quarter will be considered with profound respect by the authorities of South Carolina, and will have great weight in determining their action.

With high consideration, I have the honor to be,

Very respectfully,

Your obedient servant,

ISAAC W. HAYNE,

Envoy from the Governor and Council of South Carolina.

No. 14.

[DESPATCH FROM THE HON. A. G. MAGRATH TO HON. I. W. HAYNE.]

STATE OF SOUTH CAROLINA.
EXECUTIVE OFFICE, STATE DEPARTMENT.
Charleston, January 26, 1861.

SIR: Your despatch has been received, covering with other papers the reply of the President through Mr. Holt, Secretary of War, *ad interim*, dated the 22d of January, 1861, to the letter of Mr. Fitzpatrick, Mr. Mallory, and Mr. Slidell, enclosing to him a correspondence between certain Senators of the United States and Col. Isaac W. Hayne; the letter of certain Senators to you, dated the 23d January, 1861; and your reply to those Senators, dated the 24th January, 1861.

In the letter of the Senators addressed to you, and dated the 15th January, 1861, after stating that the possession of Fort Sumter by troops of the United States, coupled with the circumstances under which it was taken, is the chief, if not the only source of difficulty, between the Government of South Carolina and that of the United States; they add that they, "too, think it a just cause of irritation and apprehension on the part of your (this) State." They then further state that they had assurances, notwithstanding other circumstances which seemed inconsistent therewith; that Fort Sumter "was not taken, and is not held with any hostile or unfriendly purpose towards your (this) State, but merely as property of the United States; which the President deems it his duty to protect and preserve." Under the influence of that feeling of a common destiny which now animates the seceding States; and impressed with the earnest desire which seems to have been cherished in these States; to accomplish that separation from the United States, which they regarded as essential to their welfare, without the ills which civil war produces; these Senators proposed that time should be given for calm and deliberate counsel with the States, which are equally involved with South Carolina, in the future issue of their present conduct. To secure the time necessary for the counsel which should be had, they proposed that this State "should suffer Major Anderson to obtain necessary supplies of food, fuel or water, and enjoy free communication by post or special messenger with the President, upon the understanding that the President will not send him reinforcements during the same period."

No such communication was anticipated by the Governor, in the instructions with which you were furnished. But the discretion which you exercised in delaying the delivery of the letter to the President of the United States, with which you were charged; under the circumstances which then existed, commends itself to the approval of the Governor. Such a course on your part was due from this State to the representatives of those States, the people of which, in the language of their Senators, "feel a common destiny with your (our) people, and expect to form with them a new Confederacy and Provisional Government;" and who "must and will share your (our) fortunes; suffering with you (us) the evils of war, if it cannot be avoided, and enjoying the blessings of peace, if it can be preserved."

The reply of the President to the proposition thus made, referring to the statement of the intentions with which Fort Sumter is held, as derived from his "public messages," concedes that his purpose as stated; that is, to hold Fort Sumter "merely as property of the United States" which he "deems it his duty to protect and preserve;" is correct. He declares it to be his sole object to act strictly on the defensive, and to "authorize no movement against the people of South Carolina, unless clearly justified by a hostile movement on their part." The President then, for proof of his desire to prevent the effusion of blood, alludes to his forbearance to resort to "the use of force under the strong provocation of an attack on an unarmed vessel bearing the flag of the United States."

Referring next to the anxious desire of the Senators of the seceding States, that this State "should as far as she can, consistently with her honor, avoid initiating hostilities between her and the United States, or any other Power;" the President declares "that to initiate such hostilities against Fort Sumter, would, beyond question, be an Act of war against the United States." And in reply to the proposition that "no reinforcements will be sent to Fort Sumter," which is stated in his letter to be your proposition, he declares "it is impossible for me (him) to give you (the Senators) any such assurance." He states that "he has no authority to enter into such an arrangement or understanding," and that it would be "a manifest violation of his duty to place himself under engagements, that he would not perform this duty either for an indefinite or a

limited period." It is also added by him that "at the present moment it is not deemed necessary to reinforce Major Anderson because he makes no such request, and feels quite secure in his position." But should his safety require it, every effort will be made to supply reinforcements.

The letter from the Senators to you, and your reply to that letter, present a marked and agreeable contrast to the letter of the President of the United States. The Governor appreciates the feeling which the letter of the President must have excited in the Senators to whom it was addressed; their forbearance in the expression of their opinion fully as to its character; and their generosity is still continuing to entertain the hope, that collision may be avoided; until the States they represent may share the dangers which menace this State. The Governor concurs also in the justice and force of your reply to those Senators. The reasons which you have set forth in your reply to the letter of the Senators to you, conclusively establish the propriety of that demand which the letter from the Governor is intended to make upon the President; whether the possession of Fort Sumter be considered merely in regard to its preservation as a piece of property claimed by the United States; or the continuance of its retention be referred to a conclusion derived from the "obligations" which "high Christian and moral duty" would make imperative; if they were appealed to, as they should be, in this case, as the sole and proper guides for those whose conduct involves the gravest responsibilities.

The acquiescence of the President of the United States in the "arrangement or understanding," by which he would be prevented from sending reinforcements to Fort Sumter, was intended; and so declared, by the Senators of the seceding States, to be binding upon him; in case of the acquiescence of this State in certain measures which they proposed this State should adopt. With the concession from the State of South Carolina, they evidently expected a concession from the President of the United States. And they proposed that in the interval which was necessary to enable you to receive a reply from the Governor, the President should not send reinforcements to Fort Sumter; and that certain facilities now enjoyed by Major Anderson and his garrison at Fort Sumter, should be continued. The reply of the President, therefore, contains his refusal, not only of the general proposition, to abstain from doing until the

15th day of February, the day named by the Senators in their letter, that which, whenever he attempts, he knows will be regarded by the State of South Carolina as an act of war; but he refuses also to abstain from attempting this act, even during the period necessary to enable you to communicate to the Governor the proposition of these Senators.

All that the State of South Carolina was desired, in the letter of these Senators, to do in relation to Major Anderson and his garrison, it had done; not in its acknowledgment of any right on the part of the United States, but in the discharge of the suggestions of courtesy; and with a desire not to visit upon Major Anderson and his garrison the consequences of the irritation which the conduct of his Government was so well calculated to produce. Nor would the acquiescence of the Government of the United States, in the forbearance required from it, have done more than to have secured the *status*, in which all matters within the harbor of Charleston were at this time; by putting upon the State an obligation not to attack Fort Sumter, and upon the Government of the United States an obligation not to reinforce it with fresh troops. With the supplies which Major Anderson and his garrison were receiving; with the facilities which he and his garrison enjoyed in regard to the mails; no pretext for interference with the harbor of Charleston could be found, except in connection with the right claimed to reinforce the troops at Fort Sumter: a right, which, claimed by the President, as involved in a duty, would farther involve a necessity that he should determine, when his duty was to be discharged, by his exercise of this right.

It is true that the President, in his letter, intimates that no reinforcements will be sent, because Major Anderson has made no such request, and feels quite secure in his position. It is not, however, to be forgotten, that, upon a recent occasion, when it is understood that Major Anderson did not call for reinforcements, and may be presumed to have felt then as secure in his position as he does now, reinforcements were sent to him; nor was it the fault of the Government of the United States that they did not reach him.

The proposition thus made to the President of the United States, was the act of Southern Senators, unsolicited and unexpected. It was the evidence of a generous impulse, which, having animated them in the continuance of their connection

with the United States, as long as that connection could be maintained with regard to the rights of the States they represented; was exhibited, even in the moment of their final separation, in an anxious desire to avoid collision and strife with those, whom they could not recognize longer as their brethren in that political Union which had been terminated. The moderation of the terms in which they asked the acquiescence of the President of the United States, will be long remembered. Their request was simply that he would abstain from those acts, which were unnecessary for the purposes he professed; and were surely calculated to develope the ills he declared himself anxious to avert.

At this period, and under such circumstances, it is not only important, but indispensably necessary, that the Governor should correctly understand the position which the Government of the United States intends to occupy towards this State. And the correspondence, which has produced the letter of the President, serves to dispel much of whatever doubt may have hitherto existed. If the President of the United States desired only to protect Fort Sumter as property, what higher assurance of its safety could he have found than in the pledge of the State of South Carolina, that it should not be attacked? If it was not to be defended as property, but as a military post of the United States, then, indeed, it would be "a manifest violation of his duty" to agree not to reinforce it. The assertion, therefore, that it is only held as property, is inconsistent with those requirements of duty, which the President alleges to be obligatory upon him; but which are obligatory upon him only in relation to a military post. The Governor is, therefore, forced to conclude, that, stripped of all disguise, the real purpose of the President of the United States is to keep and defend Fort Sumter, within the limits of South Carolina, as a military post of the United States.

This conclusion of the real purpose which controls the Government of the United States in relation to this State, is not the less a result of the position which the President of the United States has assumed in relation to the proposition which the Senators of the seceding States have generously made; than of the action of the President of the United States in regard to other States which have seceded. And it is considered by the Governor to be his duty—one which the State of

South Carolina will so acknowledge—to regard all hostile attempts made by the Government of the United States upon any State which has seceded, as attempts made directly upon this State. There is no doubt, that at this moment, hostile purposes, by the Government of the United States, are in operation, which affect Florida or Georgia. It does not admit of a doubt, that an armed vessel of the United States is now transporting, with the purpose of landing, troops of the United States upon the soil of one or more of the States which have seceded, with hostile intentions towards such State. Another expedition, the existence of which is ascertained, but the precise nature of which is more concealed, has been undertaken for a like purpose. And that which gives to these hostile attempts a complexion the least inviting is, that they are secretly undertaken, and their execution covertly attempted, amid professions of an earnest desire to avoid collision; to save the waste of life; and to fulfil the highest obligations of morality. While the Commissioner deputed by the State of Virginia is honestly urging upon the authorities of this and other States to avoid all occasions of collision with the Government of the United States; and, while from the same State another Commissioner is attempting to recommend the same counsels to the President of the United States; a hostile expedition is on its way to attempt the coercion of a State, when the Government of the United States seems to listen to the suggestions of peace from that ancient Commonwealth.

The Governor regards it as a happy circumstance that in deferring to the wishes of the Senators who have interposed in the mission with which you were charged, their good intent has been rewarded, in leading to that declaration from the President, which, in every seceding State, will be regarded as equivalent to his declaration of war against them; and thus save them from the consequences of a generous, but misplaced, confidence.

Nor is it proper that it should be understood, that what the President is pleased to consider a proof of his forbearance, should seem to have the acquiescence of the Governor in the correctness of that construction of his conduct, under the circumstances of a case, wholly unjustifiable, and more than aggravating. It is not for the President of the United States to seem to consider the repulse of a vessel sent here with re-

inforcements, as the attack of the State of South Carolina upon an unarmed vessel. If it had not the armament of a vessel intended for war, the less excusable was the attempt to introduce, under the shield of a peaceful trader, armed men for the purpose of executing the orders of the President. It was not only a hostile demonstration, but, while hostile, it was attempted to be made successful under a disguise, which, if it had secured the result which was desired, would have left nothing but the mere success to compensate for the sacrifice of the proprieties with which it had been purchased.

The opinion of the Governor, as to the propriety of the demand which is contained in the letter, with the delivery of which you are charged, has not only been confirmed by the circumstances which your mission has developed; but is now increased into a conviction of its necessity. The safety of the State requires that the position of the President should be distinctly understood. The safety of all the seceding States requires it, as much as the safety of South Carolina. If it be so, that Fort Sumter is held but as property, then, as property, the rights, whatever they may be, of the United States, can be ascertained; and for the satisfaction of those rights, the pledge of the State of South Carolina you are authorized to give. If Fort Sumter is not held as property, it is held as a military post; and such a post, within the limits of this State, will not be tolerated.

The letter of the President may be received as the reply to the question you were instructed to ask, as to his assertion of the right to send reinforcements to Fort Sumter. You were instructed to say to him, if he asserted that right, that the State of South Carolina regarded such a right, when asserted; or with an attempt at its exercise, as a declaration of war. If the President intends it shall not be so understood, it is proper, to avoid any misconception hereafter, that he should be informed of the manner in which the Governor will feel bound to regard it.

If the President, when you have stated the reasons which prompt the Governor in making the demand for the delivery of Fort Sumter, shall refuse to deliver the fort, upon the pledge you have been authorized to make, you will communicate that refusal, without delay, to the Governor. If the President shall not be prepared to give you an immediate answer, you will

communicate to him that his answer may be transmitted, within a reasonable time, to the Governor at this place. The Governor does not consider it necessary that you should remain in Washington longer than is necessary to execute this, the closing duty of your mission, in the manner now indicated to you. As soon as the Governor shall receive from you information that you have closed your mission, and the reply, whatever it may be, of the President, he will consider the conduct which will be necessary on his part.

To the Senators, who have so generously interposed in this matter, the Governor desires you to express the satisfaction he has experienced with the interest they have exhibited, and the concurrence they have manifested, in the earnest desire which has governed him, in his attempt to secure for the State of South Carolina its just rights, without the waste of life or loss of blood. If other counsels shall prevail with the Government at Washington, the Governor feels that, whatever unhappy results may follow, his efforts and the efforts of those Senators will have been earnestly made to avert them. A copy of this note to you, the Governor desires you to address to those Senators.

It will not be necessary for the Governor to make any further communication to you than this note. To this, he desires me to add the expression of his thanks for the manner in which you have executed the duty with which you were charged.

Very respectfully, yours, &c., &c.

A. G. MAGRATH.

To the Hon. I. W. HAYNE,
Special Envoy from the State of South Carolina.

No. 15.

[MR. HAYNE TO THE PRESIDENT OF THE UNITED STATES.]

WASHINGTON, *January* 31, 1861.

To his Excellency, James Buchanan, President:

SIR:—I had the honor to hold a short interview with you on 14th instant, informal and unofficial. Having previously been informed that you desired that whatever was official should be,

on both sides, conducted by written communications, I did not at that time present my credentials, but verbally informed you that I bore a letter from the Governor of South Carolina in regard to the occupation of Fort Sumter, which I would deliver the next day under cover of a written communication from myself. The next day, before such communication could be made, I was waited upon by a Senator from Alabama, who stated that he came on the part of all the Senators then in Washington from the States which had already seceded from the United States, or would certainly have done so before the 1st day of February next. The Senator from Alabama urged, that, he and they were interested in the subject of my mission, in almost an equal degree with the authorities of South Carolina. He said, that, hostilities, commenced between South Carolina and your Government, would necessarily involve the States represented by themselves in civil strife, and fearing that the action of South Carolina might complicate the relations of your Government to the seceded and seceding States, and, thereby, interfere with a peaceful solution of existing difficulties, these Senators requested that I would withhold my message to yourself until a consultation among themselves could be had. To this I agreed, and the result of the consultation was the letter of these Senators addressed to me, dated 15th January, a copy of which is in your possession. To this letter I replied on the 17th, and a copy of that reply is likewise in your possession. This correspondence, as I am informed, was made the subject of a communication from Senators Fitzpatrick, Mallory, and Slidell, addressed to you, and your attention called to the contents. These gentlemen received on the 22d day of January, a reply to their application, conveyed in a letter addressed to them, dated 22d, signed by the Hon. J. HOLT, Secretary of War, *ad interim*. Of this letter, you, of course, have a copy. This letter from Mr. Holt was communicated to me under the cover of a letter from all the Senators of the seceded and seceding States, who still remained in Washington; and of this letter, too, I am informed, you have been furnished with a copy.

This reply of yours through the Secretary of War, *ad interim*, to the application made by the Senators, was entirely unsatisfactory to me. It appeared to me to be not only a rejection, in advance, of the main proposition made by these Senators,

to wit: that "an arrangement should be agreed on between the authorities of South Carolina and your Government, at least until the 15th February next, by which time South Carolina and the States represented by the Senators might, in Convention, devise a wise, just, and peaceable solution of existing difficulties;" "in the meantime," they say, "we think, (that is, these Senators,) that your State (South Carolina) should suffer Major Anderson to obtain necessary supplies of food, fuel or water, and enjoy free communication by post or special messenger with the President, upon the understanding that the President will not send him reinforcements during the same period;" but, besides this rejection of the main proposition, there was in Mr. Holt's letter, a distinct refusal to make any stipulation on the subject of reinforcement, even for the short time that might be required to communicate with my Government.

This reply to the Senators was, as I have stated, altogether unsatisfactory to me, and I felt sure that it would be so to the authorities whom I represented. It was not, however, addressed to me, or to the authorities of South Carolina; and, as South Carolina had addressed nothing to your Government, and had asked nothing at your hands, I looked not to Mr. Holt's letter, but to the note addressed to me by the Senators of the seceded and seceding States. I had consented to withhold my message at *their* instance, provided they could get assurances *satisfactory to them*, that no reinforcements would be sent to Fort Sumter in the interval, and that the peace should not be disturbed by any act of hostility. The Senators expressed in their note to me of the 23d inst., their "entire confidence that no reinforcements will be sent to Fort Sumter, nor will the public peace be disturbed within the period requisite for full communication between you (myself) and your (my) Government," and renewed their request that I would withhold the communication with which I stood charged, and await further instructions. This I have done. The further instructions arrived on the 30th inst., and bear date the 26th. I now have the honor to make to you my first communication as Special Envoy from the Government of South Carolina. You will find enclosed the original communication to the President of the United States from the Governor of South Carolina, with which I was charged in Charleston on the 12th day of January,

instant, the day on which it bears date. I am now instructed by the Governor of South Carolina to say, that "his opinion as to the propriety of the demand which is contained in this letter has not only been confirmed by the circumstances which your (my) mission has developed, but is now increased to a conviction of its necessity. The safety of the State requires that the position of the President should be distinctly understood. The safety of all seceding States requires it as much as the safety of South Carolina. If it be so, that Fort Sumter is held as *property*, then as property, the rights, whatever they may be, of the United States, can be ascertained, and for the satisfaction of these rights the pledge of the State of South Carolina you are (I am) authorized to give." "If Fort Sumter is not held as property, it is held," say my instructions, "as a military post, and such a post within the limits of South Carolina cannot be tolerated."

You will perceive that it is upon the presumption that it is solely as property that you continue to hold Fort Sumter, that I have been selected for the performance of the duty upon which I have entered. I do not come as a military man to demand the surrender of a fortress, but as the legal officer of the State, its Attorney General, to claim for the State the exercise of its undoubted right of eminent domain, and to pledge the State to make good all injury to the rights of property which may arise from the exercise of the claim.

South Carolina, as a separate, independent sovereignty, assumes the right to take into her possession everything within her limits essential to maintain her honor or her safety, irrespective of the question of property, subject only to the moral duty requiring that compensation should be made to the owner. This right she cannot permit to be drawn into discussion. As to compensation for any property, whether of an individual or a Government, which she may deem it necessary for her honor or safety to take into her possession, her past history gives ample guaranty that it will be made, upon a fair accounting, to the last dollar. The proposition now is, that her law officer should, under authority of the Governor and his Council, distinctly pledge the faith of South Carolina to make such compensation in regard to Fort Sumter, and its appurtenances and contents, to the full extent of the money value of the property

of the United States, delivered over to the authorities of South Carolina, by your command.

I will not suppose that a pledge like this can be considered insufficient security. Is not the money value of the property of the United States in this fort, situated where it cannot be made available to the United States for any one purpose for which it was originally constructed, worth more to the United States than the property itself? Why, then, *as property*, insist on holding it by an armed garrison? Yet such has been the ground upon which you have invariably placed your occupancy of this fort by troops; beginning, prospectively, with your annual Message of the 4th December; again in your special Message of the 9th January, and still more emphatically in your Message of the 28th January. The same position is set forth in your reply to the Senators, through the Secretary of War, *ad interim*. It is there virtually conceded that Fort Sumter "is held merely as property of the United States, which you deem it your duty to protect and preserve."

Again, it is submitted that the continuance of an armed possession actually jeopards the property you desire to protect. It is impossible but that such a possession, if continued long enough, must lead to collision. No people not completely abject and pusillanimous, could submit, indefinitely, to the armed occupation of a fortress in the midst of the harbor of its principal city, and commanding the ingress and egress of every ship that enters the port; the daily ferry boats that ply upon the waters, moving but at the sufferance of aliens. An attack upon this fort would scarcely improve it as property, whatever the result, and, if captured, it would no longer be the subject of account.

To protect Fort Sumter, merely as property, it is submitted that an armed occupancy is not only unnecessary, but that it is manifestly the worst possible means which can be resorted to for such an object.

Your reply to the Senators, through Mr. Holt, declares it to be your sole object "to act strictly on the defensive, and to authorize no movement against South Carolina unless justified by a hostile movement on their part," yet, in reply to the proposition of the Senators that no reinforcements should be sent to Fort Sumter, provided South Carolina agrees that during the same period no attack should be made, you say: "It is

impossible for me (your Secretary) to give you (the Senators) any such assurance," that it "would be a manifest violation of his (your) duty to place himself (yourself) under engagements that he (you) would not perform the duty either for an indefinite or a limited period."

In your Message of the 28th inst., in expressing yourself in regard to a similar proposition, you say: "However strong may be my desire to enter into such an agreement, I am convinced that I do not possess the power. Congress, and Congress alone, under the war-making power, can exercise the discretion of agreeing to abstain 'from any and all acts calculated to produce a collision of arms' between this and other governments. It would, therefore, be a usurpation for the Executive to attempt to restrain their hands by an agreement in regard to matters over which he has no Constitutional control. If he were thus to act, they might pass laws which he should be bound to obey, though in conflict with his agreement." The proposition, it is suggested, was addressed to you under the laws as they now are, and was not intended to refer to a new condition of things arising under new legislation. It was addressed to the Executive discretion, acting under existing laws. If Congress should, under the war-making power, or in any other way, legislate in a manner to affect the peace of South Carolina, her interests or her rights, it would not be accomplished in secret. South Carolina would have timely notice, and she would, I trust, endeavor to meet the emergency.

It is added in the letter of Mr. Holt, that "at the present moment it is not deemed necessary to reinforce Major Anderson, because he makes no such request, and feels quite secure in his position. But should his safety require it, every effort will be made to supply reinforcements." This would seem to ignore the other branch of the proposition made by the Senators, viz: that no attack was to be made on Fort Sumter during the period suggested, and that Major Anderson should enjoy the facilities of communication, &c., &c.

I advert to this point, however, for the purpose of saying that to send reinforcements to Fort Sumter could not serve as a means of *protecting* and *preserving* PROPERTY, for, as must be known to your Government, it would inevitably lead to imme-

diate hostilities, in which property on all sides would necessarily suffer.

South Carolina has every disposition to preserve the public peace, and feels, I am sure, in full force, those high, "Christian and moral duties" referred to by your Secretary, and it is submitted that on her part there is scarcely any consideration of mere property, apart from honor and safety, which could induce her to do aught to jeopard that peace, still less to inaugurate a protracted and bloody civil war. She rests her position on something higher than mere property. It is a consideration of her own dignity as a sovereign, and the safety of her people, which prompts her to demand that this property should not longer be used as a military post by a Government she no longer acknowledges. She feels this to be an imperative duty. It has, in fact, become an absolute necessity of her condition.

Repudiating, as you do, the idea of coercion, avowing peaceful intentions and expressing a patriot's horror for civil war and bloody strife among those who once were brethren, it is hoped that on further consideration you will not, on a mere question of property, refuse the reasonable demand of South Carolina, which honor and necessity alike compel her to vindicate. Should you disappoint this hope, the responsibility for the result surely does not rest with her. If the evils of war are to be encountered, especially the calamities of civil war, an elevated statesmanship would seem to require that it should be accepted as the unavoidable alternative of something still more disastrous, such as national dishonor or measures materially affecting the safety or permanent interests of a people—that it should be a choice deliberately made, and entered upon as war, and of set purpose. But that war should be the incident or accident, attendant on a policy professedly peaceful, and not required to effect the object which is avowed as the only end intended, can only be excused when there has been no warning given as to the consequences.

I am further instructed to say, that South Carolina cannot, by her silence, appear to acquiesce in the imputation that she was guilty of an act of unprovoked aggression in firing on the Star of the West. Though an unarmed vessel, she was filled with armed men entering her territory against her will, with the purpose of reinforcing a garrison, held, within her limits,

against her protest. She forbears to recriminate by discussing the question of the propriety of attempting such a reinforcement at all, as well as of the disguised and secret manner in which it was intended to be effected. And on this occasion she will say nothing as to the manner in which Fort Sumter was taken into the possession of its present occupants.

The interposition of the Senators who have addressed you, was a circumstance unexpected by my Government, and unsolicited certainly by me. The Governor, while he appreciates the high and generous motives by which they were prompted, and while he fully approves the delay which, in deference to them, has taken place in the presentation of this demand, feels that it cannot longer be withheld.

I conclude with an extract from the instructions just received by me from the Government of South Carolina:

"The letter of the President, through Mr. Holt, may be received as the reply to the question you were instructed to ask, as to his assertion of his right to send reinforcements to Fort Sumter. You were instructed to say to him if he asserted that right, that the State of South Carolina regarded such a right when asserted, or with an attempt at its exercise, as a declaration of war.

"If the President intends it shall not be so understood, it is proper to avoid any misconception hereafter, that he should be informed of the manner in which the Governor will feel bound to regard it.

"If the President, when you have stated the reasons which prompt the Governor in making the demand for the delivery of Sumter, shall refuse to deliver the fort upon the pledge you have been authorized to make, you will communicate that refusal without delay to the Governor. If the President shall not be prepared to give you an immediate answer, you will communicate to him that his answer may be transmitted within a reasonable time to the Governor at this place, (Charleston, South Carolina.)

"The Governor does not consider it necessary that you (I) should remain longer in Washington than is necessary to execute this, the closing duty of your (my) mission, in the manner now indicated to you (me.) As soon as the Governor shall receive from you information that you have closed your mis-

sion, and the reply, whatever it may be, of the President, he will consider the conduct which may be necessary on his part."

Allow me to request that you would, as soon as possible, inform me whether, under these instructions, I need await your answer in Washington; and if not, I would be pleased to convey from you to my Government, information as to the time when an answer may be expected in Charleston.

With high consideration,

I am, very respectfully,

ISAAC W. HAYNE,

Special Envoy.

No. 16.

[LETTER OF MR. HOLT TO MR. HAYNE.]

WAR DEPARTMENT, *February* 6, 1861.

SIR: The President of the United States has received your letter of the 31st ult., and has charged me with the duty of replying thereto.

In the communication addressed to the President by Governor Pickens, under date of the 12th of January, and which accompanies yours now before me, his Excellency says: "I have determined to send to you the Hon. I. W. Hayne, the Attorney General of the State of South Carolina, and have instructed him to demand the surrender of Fort Sumter, in the harbor of Charleston, to the constituted authorities of the State of South Carolina. The demand I have made of Major Anderson, and which I now make of you, is suggested because of my earnest desire to avoid the bloodshed which a persistence in your attempt to retain the possession of that Fort will cause, and which will be unavailing to secure to you that possession, but induce a calamity most deeply to be deplored." The character of the demand thus authorized to be made, appears under the influence, I presume, of the correspondence with the Senators to which you refer, to have been modified by subsequent instructions of his Excellency, dated the 26th, and received by yourself on the 30th of January, in which he says: "If it be so that Fort Sumter is held as property, then,

as property, the rights, whatever they may be, of the United States, can be ascertained, and for the satisfaction of these rights, the pledge of the State of South Carolina, you are authorized to give." The full scope and precise purport of your instructions, as thus modified, you have expressed in the following words: "I do not come as a military man to demand the surrender of a fortress, but as the legal officer of the State, its Attorney General, to claim for the State the exercise of its undoubted right of eminent domain, and to pledge the State to make good all injury to the rights of property which arise from the exercise of the claim." And lest this explicit language should not sufficiently define your position, you add: "The proposition now is that her (South Carolina's) law officer should, under authority of the Governor and his Council, distinctly pledge the faith of South Carolina to make such compensation, in regard to Fort Sumter, and its appurtenances and contents, to the full extent of the money value of the property of the United States, delivered over to the authorities of South Carolina by your command." You then adopt his Excellency's train of thought upon the subject, so far as to suggest that the possession of Fort Sumter by the United States, "if continued long enough, must lead to collision," and that "an attack upon it would scarcely improve it as property, whatever the result, and if captured, it would no longer be the subject of account." The proposal, then, now presented to the President, is simply an offer on the part of South Carolina to buy Fort Sumter and contents, as property of the United States, sustained by a declaration, in effect, that, if she is not permitted to make the purchase, she will seize the fort by force of arms. As the initiation of a negotiation for the transfer of property between friendly governments, this proposal impresses the President as having assumed a most unusual form. He has, however, investigated the claim on which it professes to be based, apart from the declaration that accompanies it. And it may be here remarked that much stress has been laid upon the employment of the words "property" and "public property," by the President in his several messages. These are the most comprehensive terms which can be used in such a connection, and, surely, when referring to a fort, or any other public establishment, they embrace the entire and undivided interest of the Government therein. The title of the United States to Fort

Sumter is complete and incontestable. Were its interest in this property purely proprietary, in the ordinary acceptation of the term, it might probably be subjected to the exercise of the right of eminent domain; but it has also political relations to it of a much higher and more imposing character than those of mere proprietorship. It has absolute jurisdiction over the fort, and the soil on which it stands. This jurisdiction consists in the authority to "exercise exclusive legislation" over the property referred to, and is, therefore, clearly incompatible with the claim of "eminent domain," now insisted upon by South Carolina. This authority was not derived from any questionable revolutionary source, but from the peaceful cession of South Carolina herself, acting through her Legislature, under a provision of the Constitution of the United States. South Carolina can no more assert the right of eminent domain over Fort Sumter than Maryland can assert it over the District of Columbia. The political and proprietary rights of the United States, in either case, rest upon precisely the same ground.

The President, however, is relieved from the necessity of further pursuing this inquiry by the fact that, whatever may be the claim of South Carolina to this fort, he has no Constitutional power to cede or surrender it. The property of the United States has been acquired by force of public law, and can only be disposed of under the same solemn sanctions. The President, as the head of the Executive branch of the Government only, can no more sell and transfer Fort Sumter to South Carolina than he can sell and convey the Capital of the United States to Maryland, or to any other State or individual seeking to possess it. His Excellency the Governor is too familiar with the Constitution of the United States, and with the limitations upon the powers of the Chief Magistrate of the Government it has established, not to appreciate at once the soundness of this legal proposition.

The question of reinforcing Fort Sumter is so fully disposed of in my letter to Senator Slidell and others, under date of the 22d of January—a copy of which accompanies this—that its discussion will not now be renewed. I then said: "At the present moment, it is not deemed necessary to reinforce Major Anderson, because he makes no such request. Should his safety, however, require reinforcements, every effort will

be made to supply them." I can add nothing to the explicitness of this language, which still applies to the existing status. The right to send forward reinforcements, when in the judgment of the President the safety of the garrison requires them, rests on the same unquestionable foundation as the right to occupy the fortress itself.

In the letter of Senator Davis and others to yourself, under date of the 15th ultimo, they say: "We, therefore, think it especially due from South Carolina to our States—to say nothing of other slaveholding States—that she should, as far as she can consistently with her honor, avoid initiating hostilities between her and the United States, or any other power;" and you now yourself give to the President the gratifying assurance, that "South Carolina has every disposition to preserve the public peace," and since he is himself sincerely animated by the same desire, it would seem that this common and patriotic object must be of certain attainment. It is difficult, however, to reconcile with this assurance the declaration on your part, that "it is a consideration of her (South Carolina's) own dignity as a sovereign, and the safety of her people, which prompts her to demand that this property should not longer be used as a military post by a Government she no longer acknowledges," and the thought you so constantly present, that this occupation must lead to a collision of arms and the prevalence of civil war. Fort Sumter is in itself a military post, and nothing else, and it would seem that not so much the fact as the purpose of its use, should give to it a hostile or a friendly character. This fortress is now held by the Government of the United States, for the same objects for which it has been held from the completion of its construction. These are national and defensive, and were a public enemy now to attempt the capture of Charleston, or the destruction of the commerce of its harbor, the whole force of the batteries of this fortress would be at once exerted for their protection. How the presence of a small garrison, actuated by such a spirit as this, can compromise the dignity or honor of South Carolina, or become a source of irritation to her people, the President is at a loss to understand. The attitude of that garrison, as has been often declared, is neither menacing, defiant, nor unfriendly. It is acting under orders to stand strictly on the defensive, and the Government and people of South Carolina must well

know that they can never receive aught but shelter from its guns, unless, in the absence of all provocation, they should assault and seek its destruction. The intent with which this fortress is held by the President is truthfully stated by Senator Davis and others, in their letter to yourself of the 15th January, in which they say, "it is not held with any hostile or unfriendly purpose towards your State, but merely as property of the United States, which the President deems it his duty to protect and preserve."

If the announcement, so repeatedly made, of the President's pacific purposes in continuing the occupation of Fort Sumter until the question shall have been settled by competent authority, has failed to impress the government of South Carolina, the forbearing conduct of his Administration for the last few months, should be received as conclusive evidence of his sincerity. And if this forbearance, in view of the circumstances which have so severely tried it, be not accepted as a satisfactory pledge of the peaceful policy of this administration towards South Carolina, then it may be safely affirmed, that neither language or conduct can possibly furnish one. If, with all the multiplied proofs which exist, of the President's anxiety for peace, and of the earnestness with which he has pursued it, the authorities of that State shall assault Fort Sumter, and peril the lives of the handful of brave and loyal men shut up within its walls, and thus plunge our common country into the horrors of civil war, then upon them and those they represent, must rest the responsibility.

Very respectfully,

Your obedient servant,

J. HOLT, *Secretary of War.*

The Hon. I. W. Hayne,
Attorney General of State of South Carolina.

P. S.—The President has not, as you have been informed, received a copy of the letter to yourself from the Senators, communicating that of Mr. Holt of the 22d of January.

J. H.

No. 17.

[LETTER OF MR. HAYNE TO MR. HOLT.]

WASHINGTON, *February* 7, 1861.

To His Excellency, James Buchanan, President:

SIR:—Your reply, through your Secretary of the War Department, to my communication of the 31st of January, covering the demand of the Governor of South Carolina for the delivery of Fort Sumter, was received yesterday. Although the very distinct and emphatic refusal of that demand closes my mission, I feel constrained to correct some strange misapprehensions into which your Secretary has fallen.

There has been no modification of the demand authorized to be made, and no change whatever in its character, and of this you were distinctly informed in my communication of the 31st of January. You have the original demand as delivered to me by Governor Pickens on the 12th of January, and you have an extract from the further instructions received by me, expressly stating that he, the Governor, was "*confirmed*" in the views he entertained on the 12th of January by that very correspondence which you assign as the cause of the alleged modification. You assume that the character of the demand has been modified, yet you have from me but one communication, and that asserts the contrary, and you have nothing from the Governer but the very demand itself, which you say has been modified. What purpose of peace or conciliation your Secretary could have had in view in the introduction of this point at all, it is difficult to perceive.

You next attempt to ridicule the proposal presented "as simply an offer on the part of South Carolina to buy Fort Sumter and contents as property of the United States, sustained by a declaration in effect that if she is not permitted to make the purchase, she will seize the fort by force of arms." It is difficult to consider this as other than intentional misconstruction. You were told that South Carolina, as a separate, independent sovereignty, would not tolerate the occupation, by foreign troops, of a military post within her limits, but, that inasmuch as you, in repeated messages and in your correspondence, had "laid much stress" upon the character of your

duties, arising from considering forts as property, South Carolina, so far as this matter of property, suggested by yourself, was concerned, would make compensation for all injury done the property, in the exercise of her sovereign right of eminent domain. And this your Secretary calls a proposal to purchase!

The idea of purchase is entirely inconsistent with the assertion of paramount right in the purchaser. I had supposed that an "interest in property," *as such*, could be no other than "purely proprietary," and if I confined myself to this narrow view of your "relations" to Fort Sumter, you, at least, should not consider it the subject of criticism. Until your letter of yesterday, you chose so to consider your relations, in everything which you have written, or which has been written under your direction. It was precisely because you had yourself chosen to place your action upon the ground of "purely proprietary" right that the proposal of compensation was made, and you now admit that in this view "it (Fort Sumter) would probably be subjected to the exercise of the right of eminent domain."

In your letter of yesterday (through your Secretary) you shift your position. You claim that your Government bears to Fort Sumter "political relations of a much higher and more imposing character." It was no part of my mission to discuss the "political relations" of the United States Government to anything within the territorial limits of South Carolina. South Carolina claims to have dissolved all political connection with your Government, and to have destroyed all "political relations" of your Government with everything within her borders. She is unquestionably at this moment *de facto* a separate and independent Government, exercising complete sovereignty over every foot of her soil except Fort Sumter. Now, that the intention is avowed to hold this place as a military post, with a claim of exclusive jurisdiction on the part of a Government foreign to South Carolina, it will be for the authorities to determine what is the course proper to be pursued. It is vain to ignore the fact that South Carolina is, to yours, a foreign Government, and how with this patent fact before you, you can consider the continued occupation of a fort in her harbor a pacific measure, and parcel of a peaceful policy, passes certainly my comprehension.

You say that the fort was garrisoned for our protection, and

is held for the same purposes for which it has been ever held, since its construction. Are you not aware, that to hold, in the territory of a foreign power, a fortress against her will, avowedly for the purpose of protecting her citizens, is, perhaps, the highest insult which one government can offer to another? But Fort Sumter was never garrisoned at all until South Carolina had dissolved her connection with your Government. This garrison entered it in the night, with every circumstance of secrecy, after spiking the guns, and burning the gun carriages, and cutting down the flag-staff of an adjacent fort, which was then abandoned. South Carolina had not taken Fort Sumter into her own possession, only, because of her misplaced confidence in a Government which deceived her. A fortress occupied under the circumstances above stated, is considered by you, not only as no cause of irritation, but you represent it as held for our protection!

Your Excellency's Secretary has indulged in irony on a very grave subject.

As to the responsibility for consequences, if, indeed, it does rest on us, I can assure your Excellency we are happily unconscious of the fact.

I return to Charleston to-morrow.

With considerations of high regard,

I am, very respectfully,

I. W. HAYNE, *Special Envoy.*

The above was returned with the following endorsement in the handwriting of the President:

"The character of this letter is such that it cannot be received; Colonel Hayne having left the city before it was sent to the President, it is returned to him by the first mail.

8*th February*, 1861."